

Christopher M. Salaysay SBN 264317  
The Law Office of Christopher M. Salaysay  
4382 Bolina Drive  
Union City, CA 94587  
Phone (415) 203-7235  
Fax (415) 762-5215  
salaysaylaw@aol.com

Attorney for Debtors,  
Lorraine Holford

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

IN RE:

Lorraine Holford

Debtor.

Lorraine Holford

Movant

v.

Alan Fukushima, Chapter 7 Trustee

Respondent

Case No.: 2011-27797

Chapter 7

DC No: CMS - 001

**NOTICE OF HEARING ON MOTION TO  
COMPEL ABANDONMENT**

Date: July 26, 2011

Time: 9:32 am

Judge: Hon. Thomas Holman

Location: 501 I Street, 6 th floor  
Sacramento, CA 95814

Courtroom: 32

NOTICE IS HEREBY GIVEN THAT ON THE ABOVE DATE, AT THE ABOVE TIME, in COURTROOM 32 of the above-entitled Court, located at 501 I Street, 6th floor, Sacramento, CA, the Debtor will move the Court for an Order granting Debtor's Motion for Abandonment of Property.

Written Opposition or Response to this Motion must be filed with the Clerk of the US Bankruptcy Court located at 501 I Street, 6th floor, Sacramento, CA 95814 and served upon the Debtor, US Trustee, Standing Trustee, and Debtor's Attorney.

Pursuant to Local Rule of Practice 9014(f)(1), opposition, if any, to the granting of the motion shall be in writing and shall be served and filed with the Court by the responding party at least fourteen (14) calendar days preceding the date or continued date of the hearing. Opposition shall be accompanied by evidence

1 establishing its factual allegations. Without good cause, no party shall be heard in opposition to a motion at  
2 oral argument if written opposition to the motion has not been timely filed. Failure of the responding party to  
3 timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may  
4 result in the imposition of sanctions.

5 The opposition shall specify whether the responding party consents to the Court's resolution of  
6 disputed material factual issues pursuant to FRCivP 43(e) as made applicable by FRBP 9017. If the responding  
7 party does not so consent, the opposition shall include a separate statement identifying each disputed material  
8 factual issue. The separate statement shall enumerate discretely each of the disputed material factual issues and  
9 cite the particular portions of the record demonstrating that a factual issue is both material and in dispute.  
10 Failure to file the separate statement shall be construed as consent to resolution of the motion and all disputed  
11 material factual issues pursuant to FRCivP 43(e).

12 Date: June 14, 2011

/s/ Christopher Salaysay

Christopher Salaysay

Attorney for Debtor

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I. MOTION

Debtor, Lorraine Holford , by and through her counsel, Christopher M. Salaysay, moves this Court for an Order compelling the Chapter 7 trustee, Alan Fukushima, to abandon properties of the estate pursuant to 11 U.S.C. § 554(b). The specific properties Debtor seeks to have abandoned by the Trustee are:

1. Partially exempted Debtor's interest in cause of actions against Northern Pacific Mortgage Corp et al...

II. BACKGROUND

1. Lorriane Holford filed the current case on March 31, 2011 under Chapter 7 of the Bankruptcy Code.

2. The causes of actions have been scheduled in First Amended Schedule B [docket no. 18 ] and valued at \$15,000.00. Of which, \$12,903.00 is exempted pursuant to California Code of Civil Procedure Section 703.140 (b) (5) in First Amended Schedule C [docket no. 18 ]
3. On April 2011, Debtor initiated a lawsuit(s) in state court and it was pending at the time of the filing of this bankruptcy. Upon filing, the cause of actions transferred to the bankruptcy estate.
4. Shortly after filing, Trustee obtained an order to employ Dana Suntag as his attorney.
5. Because the matters are 1) in appeal as to all but one Defendants; 2) the causes of actions that Debtor is seeking relief from the Appellate court are not seeking money damages; 3) and the Defendant that the underlying litigation is still active against has been out of business for approximately 3 years and claim to be insolvent, Debtor determined the value of her interest in the cause of action is 0.00. Debtor believes any settlement with defendants will not exceed \$15, 000.00
6. Shortly after the conclusion of the meeting of creditors, the Trustee has filed a Notice of Filing of No Asset and No Distribution.
7. The Trustee has not contested Debtor's valuation of the cause of actions.
8. The Trustee has not filed any objections to Debtor's claim of exemption.

### III. ABANDONMENT IS APPROPRIATE

1. 11 U.S.C Section 554(b) provides as follows:

*On the request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is **burdensome to the estate or that is of inconsequential value and benefit to the estate***

2. As set forth above, Debtor's interest in the cause of actions beyond her claimed exemption is of inconsequential value to the estate. Thus, liquidation of the cases after administration fees is of no benefit to the estate.

### IV. CONCLUSION

Wherefore, Debtor respectfully requests an Order compelling the Trustee to abandon the cause of actions.

Date: June 21, 2011

/s/ Christopher Salaysay

Christopher Salaysay  
Attorney for Debtor

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**DECLARATION IN SUPPORT OF COMPEL  
ABANDONMENT**

Date: July 26, 2011

Time: 9:32 am

Judge: Hon. Thomas Holman

Location: 501 I Street, 6 th floor  
Sacramento, CA 95814

Courtroom: 32

I, Lorraine Holford, declare:

1. I am a Debtor in the above-entitled case. The matters set forth herein are based upon my personal knowledge, except as to those matters based upon information and belief, and as to those matters I believe them to be true, and if called as a witness I could competently testify thereto.

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**CERTIFICATE OF SERVICE**

1. I certify under penalty of perjury under the laws of the State of California that I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.

2. My business address is 4382 Bolina Drive; Union City, CA 94587

3. On June 15, 2011, I served a copy of the following documents: a.) NOTICE OF HEARING MOTION TO COMPEL ABANDONMENT b.) MOTION TO COMPEL ABANDONMENT with EXHIBITS A-D c.) DECLARATION OF DEBTOR IN SUPPORT OF MOTION by enclosing them in an envelope AND depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

4. The envelope was addressed and mailed as follows: SEE EXHIBIT A — Service List attached hereto

1 Dated: June 15, 2011

/s/ Kim Do  
Kim Do

2 EXHIBIT A

3 US Trustee

4 Trustee

5 Attorney for Trustee

6 Debtor

7 Special Notice Parties

8 All Creditors per bk rule 6007

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